

Assembly Bill No. 988

Passed the Assembly August 11, 2014

Chief Clerk of the Assembly

Passed the Senate August 7, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 111, 3001, and 3003 of the Vehicle Code, relating to all-terrain vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 988, Jones. New Motor Vehicle Board: all-terrain vehicles: recreational off-highway vehicles.

(1) Existing law establishes the New Motor Vehicle Board that regulates the activities or practices of a new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative, as those terms are defined by the Vehicle Code. Existing law requires licensing by the Department of Motor Vehicles to do these activities for specified types of vehicles.

This bill would make a person who acts as a dealer, among other things, of recreational off-highway vehicles and utility-terrain vehicles subject to these licensing provisions and the provisions governing the New Motor Vehicle Board.

(2) Under existing law, the New Motor Vehicle Board consists of 9 members, 4 of whom are required to be new motor vehicle dealers, which existing law defines as a dealer who acquires for resale new and unregistered motor vehicles, off-highway motorcycles, or all-terrain vehicles. Existing law excludes a dealer who deals exclusively in motorcycles or recreational vehicles from appointment to the board as a new motor vehicle dealer.

This bill would also exclude a dealer who deals exclusively in all-terrain vehicles from appointment to the board as a new motor vehicle dealer.

The people of the State of California do enact as follows:

SECTION 1. Section 111 of the Vehicle Code is amended to read:

111. (a) "All-terrain vehicle" means a motor vehicle subject to subdivision (a) of Section 38010 that is all of the following:

- (1) Designed for operation off of the highway by an operator with no more than one passenger.
- (2) Fifty inches or less in width.

- (3) Nine hundred pounds or less unladen weight.
- (4) Suspended on three or more low-pressure tires.
- (5) Has a single seat designed to be straddled by the operator, or a single seat designed to be straddled by the operator and a seat for no more than one passenger.

(6) Has handlebars for steering control.

(b) Notwithstanding subdivision (a), for purposes of Chapter 6 (commencing with Section 3000) of Division 2 and Chapter 4 (commencing with Section 11700) of Division 5, “all-terrain vehicle” also means a recreational off-highway vehicle as defined in Section 500 and a utility-terrain vehicle as defined in Section 531.

SEC. 2. Section 3001 of the Vehicle Code is amended to read:

3001. (a) Four of the appointive members of the board shall be new motor vehicle dealers as defined in Section 426 who have engaged for a period of not less than five years preceding their appointment in activities regulated by Article 1 (commencing with Section 11700) of Chapter 4 of Division 5. These members shall be appointed by the Governor.

(b) Each of the five remaining appointive members shall be a public member who is not a licentiate under Article 1 (commencing with Section 11700) or 2 (commencing with Section 11800) of Chapter 4 of Division 5 or an employee of such licentiate at the time of appointment and one of these five appointive members shall have been admitted to practice law in the state for at least 10 years immediately preceding his or her appointment. One public member shall be appointed by the Senate Committee on Rules, one by the Speaker of the Assembly, and three by the Governor.

(c) Each member shall be of good moral character.

(d) This section does not apply to a dealer who deals exclusively in motorcycles, all-terrain vehicles, as defined in Section 111, or recreational vehicles, as defined in subdivision (a) of Section 18010 of the Health and Safety Code.

SEC. 3. Section 3003 of the Vehicle Code is amended to read:

3003. (a) Each appointive member of the board shall be appointed for a term of four years and shall hold office until the appointment and qualification of his or her successor or until one year has elapsed since the expiration of the time for which he or she was appointed, whichever occurs first.

(b) The terms of the members of the board first appointed shall expire as follows: one public member and one new motor vehicle dealer member, January 15, 1969; two public members and one new motor vehicle dealer member, January 15, 1970; two public members and two new motor vehicle dealer members, January 15, 1971. The terms shall thereupon expire in the same relative order.

(c) Vacancies occurring shall be filled by appointment for the unexpired term.

This section does not apply to a dealer who deals exclusively in motorcycles, all-terrain vehicles, as defined in Section 111, or recreational vehicles, as defined in subdivision (a) of Section 18010 of the Health and Safety Code.

Approved _____, 2014

Governor